IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 506 OF 2005

Rafique Ahmed Mujibulla Khan .. Petitioner

V/s

The Municipal Corporation of Greater Bombay & Ors. .. Respondents

Mr.Chetan Kapadia with Mr.Nandu Pawar for the Petitioner.

Mr.D.H. Mehta with Ms.P.A. Purandare for the Respondents.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 8TH APRIL 2005

P.C. :

1. Heard Mr.Kapadia for the Petitioner and Mr.Mehta for the Respondents.

2. The Petitioner is making a grievance that the shops, which were to be allotted to him and other claimants, have been encroached by rank trespassers. The Deputy Municipal Commissioner (Zone V) has held an enquiry into these complaints and has come to the conclusion after following due process that these persons are rank trespassers. He has also recommended that they should be summarily removed. That order was passed on 29th September 2004. The Petitioner is

seeking implementation thereof.

3. Mr.Mehta, learned counsel for the Respondents, has taken instructions and states that though there is some delay in taking further steps, now the Corporation will take expeditious steps. The Corporation has accepted the recommendation made by the Deputy Municipal Commissioner. That decision has been taken and appropriate proceedings against these trespassers will be initiated under Chapter V-A of the Bombay Municipal Corporation Act, 1888. We expect the Corporation to take these steps expeditiously. The claim of the Petitioners for allotment of these shops will be considered thereafter. We further add that until the claim of the Petitioner and other 8 claimants is examined, the Corporation will not allot these shops to anybody else.

4. Petition stands disposed of.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)